

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
Information Associated with Facebook Account
<https://www.facebook.com/devon.peoples.779> that is
Stored at Premises Controlled by Meta Platforms, Inc.

)
)
)
Case No. 1:23-mj-288

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. 751(a)

Offense Description
Escape from custody

The application is based on these facts:

See Attached Affidavit of Deputy U.S. Marshal Matthew J. Little

Continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s/ Matthew J. Little

Applicant's signature

Matthew J. Little, Deputy U.S. Marshal

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone (specify reliable electronic means).

Date:

7/7/23


Joi Elizabeth Peake
Judge's signature

City and state: Winston-Salem, NC

United States Magistrate Judge Joi Elizabeth Peake

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
FACEBOOK ACCOUNT
<https://www.facebook.com/devon.peoples.779>
THAT IS STORED AT PREMISES
CONTROLLED BY META PLATFORMS,
INC.

Case No. 1:23mj288

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Matthew J. Little, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook account that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc. (“Meta”), a company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Meta to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the account.

2. I am a Deputy United States Marshal (“DUSM”) with the United States Marshals Service (“USMS”). I have been a DUSM since July 2010. As a DUSM, I have led or assisted in hundreds of State and Federal fugitive investigations and

apprehensions. Prior to becoming a DUSM, I attended and graduated from the Basic Deputy United States Marshal (BDUSM) course at the Federal Law Enforcement Training facility in Glynco, Georgia. The BDUSM course is approximately 26 weeks of training. Prior to attending the U.S. Marshals Service Training Academy, I graduated from Central Connecticut State University in 2009 with a degree in Criminology.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that DEVON ANTONIO PEOPLES has violated 18 U.S.C. § 751(a). There is also probable cause to search the information described in Attachment A for evidence of this crime, as described in Attachment B.

PROBABLE CAUSE

5. The United States, including the USMS, is conducting a criminal investigation to locate and arrest PEOPLES.

6. On January 11, 2023, PEOPLES left from and failed to return to the Community Corrections Center at Dismas Charities RRC located at 307 N. Church Street, Greensboro, North Carolina. Since January 11, 2023, deputies with the USMS have been unable to locate PEOPLES.

7. On May 30, 2023, a grand jury in the Middle District of North Carolina

returned an indictment charging PEOPLES with one count of escape from custody in violation of 18 U.S.C. § 751(a) (1:23CR200-1).

8. On May 31, 2023, a warrant for PEOPLES' arrest was issued.

9. Since January 11, 2023, I and other members of the USMS have conducted surveillance on all known addresses associated with PEOPLES. None of us has seen PEOPLES at any of those addresses.

10. On March 13, 2023, I conducted an online search for possible social media accounts belonging to PEOPLES. I determined that PEOPLES had a Facebook account, described in Attachment A, with the profile name "Devon Peoples."

11. I reviewed the account described in Attachment A and recognized the profile picture as a photo of PEOPLES. The account described in Attachment A states that the account user lives in Winston-Salem, North Carolina. PEOPLES is originally from the Winston-Salem area of North Carolina. The user of the account described in Attachment A also has a large number of friends in the Winston-Salem, North Carolina area. I believe that PEOPLES is in the Winston-Salem area of North Carolina.

12. I confirmed that, as of July 6, 2023, the account was still active.

13. As part of my investigation, I interviewed confidential sources ("CSs") and learned that PEOPLES has contacted the CSs through Facebook Messenger, associated with the account described in Attachment A, since leaving Dismas Charities RRC in January 2023.

BACKGROUND CONCERNING FACEBOOK¹

14. Meta is a United States company that owns and operates Facebook, a social media platform, and is a provider of electronic communications services, *see* 18 U.S.C. § 2510(15), and remote computing services, *see* 18 U.S.C. § 2711(2). Users can access Facebook and register for an account, like the target account listed in Attachment A, via its website (facebook.com) or via its mobile applications (Facebook and Messenger). Each Facebook account is assigned a unique user ID number and may also be associated with a unique user-created username. Users can periodically change their usernames but no two users can have the same username at the same time.

15. Facebook users can create, view, share, and interact with news, images, videos, and other information and can communicate in real-time with other users through text, voice, and video messaging. Accounts can also be used for event planning, buying and selling items, payments, gaming, fundraising, and to interact with groups, businesses, and other online platforms.

16. Meta uses information about the location of its Facebook users for business purposes and to enhance the functionality of its platform, such as to

¹ The information in this section is based on information published by Meta on its Facebook website, including, but not limited to, the following webpages: “Privacy Policy,” available at <https://www.facebook.com/privacy/policy>; “Terms of Service,” available at <https://www.facebook.com/legal/terms>; “Help Center,” available at <https://www.facebook.com/help>; and “Information for Law Enforcement Authorities,” available at <https://www.facebook.com/safety/groups/law/guidelines/>.

personalize and target advertisements, display local news stories, suggest nearby events, and detect suspicious account activity. Location determinations are informed by connection records, device-based data, and user-generated information. Examples of data used by Meta to determine a user's location include IP addresses, Global Position System ("GPS") data, "check-ins," and event responses. Meta also uses this data to estimate the city or town where the user is situated, which Meta refers to as the user's "Primary Location."

17. Meta collects geolocation data, which it refers to as "precise location information," from a user's device if each of the following conditions are met. First, the Facebook mobile application must be installed on the device. Second, a user of that device must have granted "permission" through the device's operating system for the mobile application to receive and transmit location data to Meta. Third, a user of that device must have enabled "location services" through the device's operating system. Fourth, the mobile application must be logged into a Facebook account and, if required by the permission or other settings, be in active use.

18. This proposed search warrant seeks the historical production of geolocation information collected and retained by Facebook in the normal course of business. Meta produces geolocation data to law enforcement as datapoints consisting of a latitude, longitude, and timestamp. According to Meta, it retains only one such datapoint for an account, with each subsequent datapoint replacing the prior. Based on my training and experience, I know that Meta can produce that stored datapoint,

which it refers to as “Last Location,” and it can also produce subsequent datapoints on a rolling basis.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

19. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Meta to disclose to the government copies of the records and other information particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

20. Based on the foregoing, I request that the Court issue the proposed search warrant.

21. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Meta. Because the warrant will be served on Meta, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

22. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a),

(b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

REQUEST FOR SEALING

23. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,

/s/ Matthew J. Little
Matthew J. Little
Deputy U.S. Marshal
United States Marshals Service

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 7 day of July, 2023, at 12:44 a.m./p.m.



Honorable Joi Elizabeth Peake

UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with Facebook account
<https://www.facebook.com/devon.peoples.779> (the "Account") that is stored at
premises owned, maintained, controlled, or operated by Meta Platforms, Inc., a
company headquartered at 1601 Willow Road, Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Meta Platforms, Inc. (“Meta”)

To the extent that the information described in Attachment A is within the possession, custody, or control of Meta, regardless of whether such information is located within or outside of the United States, and including any information that has been deleted but is still available to Meta, Meta is required to disclose the following information to the government for each account or identifier listed in Attachment A:

- A. The following information about the customers or subscribers of the Account, from the date the Account was created to the present, unless specified otherwise below:
 1. Names (including subscriber names, user names, and screen names);
 2. Addresses (including mailing addresses, service addresses, residential addresses, business addresses, and e-mail addresses);
 3. Records of session times and durations from January 11, 2023 to the present;
 4. Length of service (including start date) and types of service utilized;
 5. Telephone or instrument numbers (including model type/numbers, phone numbers, IMSIs, IMEIs, MEIDs, UDIDs, MAC addresses, and advertising IDs);
 6. Other subscriber numbers or identities, including any temporarily assigned network addresses (including the registration and session Internet Protocol (“IP”) addresses with associated port numbers); and

7. Means and source of payment for such service (including any credit card or bank account number).
- B. The following location information for the period of January 11, 2023 to July 6, 2023:
1. Primary Location; and
 2. Last Location.

II. Information to be seized by the government

All information described above in Section I that will assist in apprehending DEVON ANTONIO PEOPLES, who was charged on May 30, 2023 with violating 18 U.S.C. § 751(a), is the subject of an arrest warrant issued on May 31, 2023, and is a “fugitive” under 18 U.S.C. § 1073 and a “person to be arrested” within the meaning of Federal Rule of Criminal Procedure 41(c)(4).